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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
VICTORIA L. ADAMS • Assistant District Attorney

SCOTT K. GOODWIN • Director

September 10, 2019

Captain Kent Wegener
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Eduardo Sanchez
J.S.I.D. File #18-0489
L.A.S.D. File #018-24528-1127-056

Dear Captain Wegener:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 25, 2018, non-fatal shooting of Eduardo Sanchez by Los Angeles County Sheriff's Department Deputy Parker Driscoll. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Parker Driscoll, #[redacted]

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MEMORANDUM

TO: CAPTAIN KENT WEGENER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Eduardo Sanchez
J.S.I.D. File #18-0489
L.A.S.D. File #018-24528-1127-056

DATE: September 10, 2019

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 25, 2018, non-fatal shooting of Eduardo Sanchez by Los Angeles County Sheriff's Department (LASD) Deputy Parker Driscoll. We have concluded Deputy Driscoll acted lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 5:22 p.m., on November 25, 2018. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, audio recordings of interviews, firearm analysis reports, crime scene diagrams and sketches, photographs, video evidence, and witness statements submitted to this office by LASD Sergeant Richard Biddle and Investigator [redacted] Deputy Driscoll's voluntary statement was considered as part of this analysis.

FACTUAL ANALYSIS

On Sunday, November 25, 2018, at approximately 4:00 p.m., Deputy Parker Driscoll was working as an LASD deputy assigned to patrol in Lancaster. He was driving a black and white LASD SUV and wearing full LASD uniform. He was assigned to assist another patrol unit regarding a call for service at 48 Street West and West Avenue J-5, Lancaster. The initial call was for an "assault with a deadly weapon, person armed with a knife" and "possible suicide by cop."[1] Driscoll, who was a

[1] The 9-1-1 call was made by Sanchez' [redacted] after Sanchez began chasing and attempting to assault a [redacted] later identified as [redacted] while armed with a knife. Sanchez repeatedly threatened to cut [redacted] with the knife as he chased her on her front lawn, into her garage and into the street. [redacted] also told the dispatcher that Sanchez had made comments which were possibly suicidal. While [redacted] conveyed this information to the 9-1-1 dispatcher, another [redacted] attempted to intercede. Sanchez then began chasing [redacted] with the knife threatening to kill him. Sanchez got within a few feet of [redacted] as [redacted] spoke to the dispatcher.

one-man unit, communicated with the two-man unit assigned to handle the matter, and determined that he would time his arrival to coincide with theirs. Shortly thereafter, the call was updated indicating that the suspect, later identified as Eduardo Sanchez, was stabbing someone at the location.[2] Based upon this updated information, Driscoll believed an immediate response was required and went to the location prior to the other unit's arrival.[3]

Driscoll arrived at the location at 4:02 p.m., and observed [redacted] in the middle of the street. [redacted] directed him to where Sanchez was chasing [redacted] while armed with a knife. Driscoll observed Sanchez closing in on [redacted] and believed he was attempting to stab or seriously injure him. Driscoll exited his vehicle, pointed his weapon at Sanchez and ordered him multiple times to stop and drop the knife.

Sanchez diverted his attention from [redacted] to Driscoll. Sanchez began rapidly walking towards Driscoll yelling, "Fuck you! Fuck you bitch!"[4] Driscoll, who had been positioned behind the driver's side door of his SUV, moved back to the rear driver's side bumper of his vehicle as Sanchez approached with the knife held out in a threatening manner. Driscoll repeatedly ordered Sanchez to drop the knife.[5] Sanchez advanced towards Driscoll with the knife held out in front of him, as if he were about to stab or slash at Driscoll. As Sanchez reached the front driver's side bumper area of Driscoll's vehicle, he yelled, "I am coming for you motherfucker!" while moving towards Driscoll.

Sanchez continued his approach, ignoring Driscoll's orders and got within five to seven feet of Driscoll's location. Believing that Sanchez had already stabbed [redacted] or another person at the location, unsure whether [redacted] and [redacted] were behind him and also in danger, and fearing that Sanchez was about to stab him, Driscoll fired five rounds from his service weapon. Sanchez fell to the ground with the knife next to him.[6] Lee and Goffigan arrived at the location. Lee assisted Driscoll in kicking the knife away from Sanchez, and in providing medical assistance until paramedics arrived. Sanchez was transported to Antelope Valley Hospital where he was treated for multiple gunshot wounds to his torso and left wrist.

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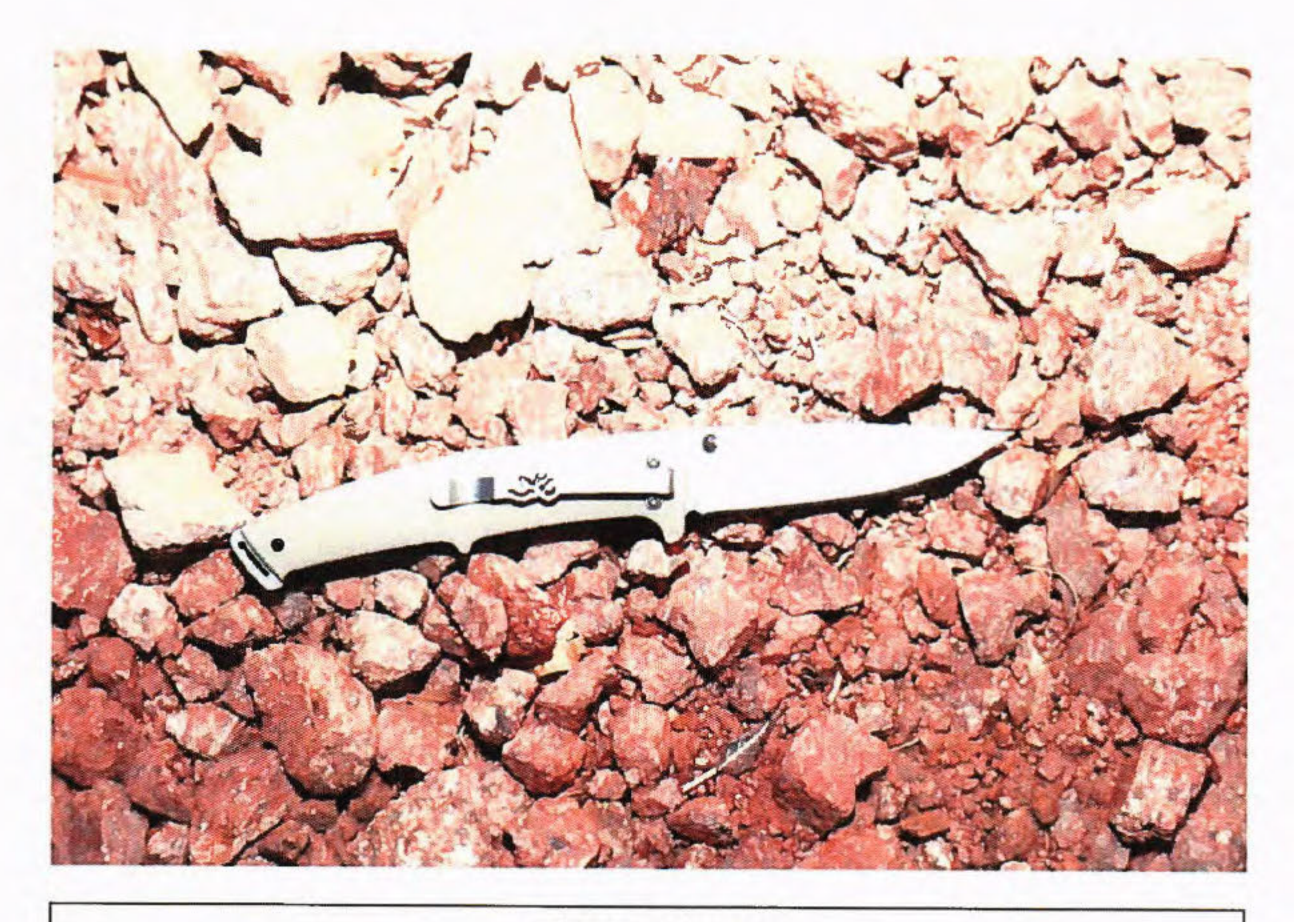
[2] This information was based on a statement made by [redacted] as he was speaking to the 9-1-1 dispatcher. Sanchez was not, in fact, stabbing anyone at the time.

[3] The primary handling unit, Deputies Jonathan Lee and Elijah Goffigan, arrived at 4:03 p.m., approximately one minute after Driscoll.

[4] Several surveillance cameras in the neighborhood captured various portions of the incidents with [redacted] and Driscoll interacting with Sanchez. Sanchez can be seen holding the knife in a manner consistent with possibly stabbing or slashing at [redacted] and Driscoll. Sanchez' threats to each can be heard on the various video recordings.

[5] Driscoll's commands and position are also reflected in multiple video recordings.

[6] The officer involved shooting was captured on several video recordings. Five casings were recovered from near the location where Driscoll fired his service weapon.



Knife used by Sanchez

Investigators interviewed [redacted] All three described Sanchez as having attempted to stab both [redacted] and [redacted] and having ignored Driscoll's commands while advancing towards him with the knife held out in front of him. Both [redacted] and [redacted] were in fear for their lives as Sanchez chased them. [redacted] told investigators that Sanchez suffered from mental health issues and had been consuming alcohol, mixing it with prescribed medication, throughout the day. [redacted] also stated that Sanchez has a history of becoming combative when he drinks.[7]

Sanchez was charged in felony case MA075186 with two counts of assault with a deadly weapon and one count of assault with a deadly weapon on a peace officer based upon this incident. That matter is pending trial in Department 126, Central Division.

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[7] [redacted] told investigators Sanchez was on [redacted] Neighbors also reported having violent interactions with Sanchez previously. Medical records obtained by investigators confirmed Sanchez was [redacted] Most of Sanchez' [redacted] contain warnings regarding interactions with alcohol. A search of Sanchez' computer also revealed multiple searches for "knives," one search for "murder," and multiple images of knives, firearms and air guns.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also,* CALCRIM No. 505.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146.

An officer has "probable cause" in this context when he knows facts which would "persuade someone of reasonable caution that the other person is going to cause serious physical harm to another." CALCRIM No. 507. When acting under Penal Code section 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147. And he may only resort to deadly force when the resistance of the person being taken into custody "appears to the officer likely to inflict great bodily injury on himself or those acting with him." *Id.* at 1146; quoting *People v. Bond* (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

In this matter, Driscoll arrived at the location after being advised that Sanchez was stabbing someone with a knife. Immediately upon arrival, Driscoll observed Sanchez chasing [redacted] with a knife in his hand. In an effort to stop Sanchez' assault, Driscoll repeatedly ordered him to stop and drop the knife. Rather than doing so, Sanchez diverted his attention to Driscoll, charging at him with the knife held out in front of him, as if to stab or slash at Driscoll. Sanchez continued advancing despite repeated orders, causing Driscoll to move back in an effort to put space between them. When Sanchez got within five to seven feet, yelling, "I'm coming for you motherfucker!" it was reasonable for Driscoll to believe he was about to be attacked with the knife and respond with deadly force. Additionally, Driscoll was reasonable in believing that other civilians in the vicinity

were also at risk given Sanchez' behavior, and his use of force was appropriate in the defense of others.

CONCLUSION

We find that Deputy Driscoll acted lawfully in self-defense and in defense of others when he used deadly force against Eduardo Sanchez. We are closing our file and will take no further action in this matter.